

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LIFESCAN, INC., et al.,
Plaintiffs,

v.

SHASTA TECHNOLOGIES, LLC, et al.,
Defendants.

Case No. [12-cv-06360-JST](#)

ORDER STAYING ACTION

Re: Dkt. Nos. 83, 84, 85

A motion for a preliminary injunction is pending in this action for violations of the Lanham Act. *See* Dkt. No. 14. On March 19, 2013, two days before the hearing on the pending motion, District Judge Davila granted a motion for a preliminary injunction in *LifeScan, Inc. et al. v. Shasta Techs., LLC et al.*, Case No. 11-cv-4494 (EJD) (“the *LifeScan* patent case”), which barred the production and sale of the product at issue in this action.

The Court issued an order to show cause why this action should not be dismissed for lack of a case or controversy and requiring each party to make a proposal as to how to address the pending preliminary injunction motion and the case as a whole in light of the injunction issued in the *LifeScan* patent case. Dkt. No. 83.

In its response to that order, each party requests that the preliminary injunction motion and all other proceedings in this case be stayed pending (1) the resolution of the motion to stay the enforcement of the injunction in the *LifeScan* patent case, which currently is pending before Judge Davila, and (2) the resolution of the motion to stay pending appeal that Defendants intend to file in the Federal Circuit in the event that Judge Davila denies their motion to stay. *See* Dkt. No. 84 at 4; Dkt. No. 85 at 2.

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1 Based on the parties' submissions, this action is STAYED pending the final determination
2 of the enforcement of the injunction issued by Judge Davila. Within seven days of the date on
3 which the final determination is issued, the parties shall file a joint status report that explains the
4 impact of that determination on this action. All pending motions in this action are
5 TERMINATED without prejudice, and all case deadlines are VACATED.

6 **IT IS SO ORDERED.**

7 Dated: April 8, 2013

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9 JON S. TIGAR
United States District Judge

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United States District Court
Northern District of California